



ISSUE MEMORANDUM

TO: MALCOLM DOUGHERTY, Director
California Department of Transportation

FROM: KOME AJISE, Acting Deputy Director
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DATE: November 15, 2012

SUBJECT: California Bicycle Advisory Committee Charter

☒ Request for Approval

☐ For Information

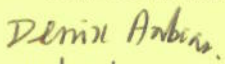

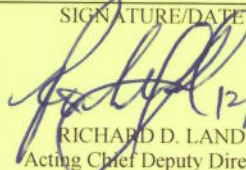
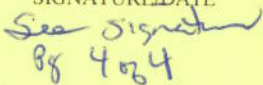
☐ Request for Discussion

☒ For Signature

TRACKING NUMBER: Not Applicable

ISSUE:

The California Bicycle Advisory Committee (CBAC) has operated for 20 years without a formal charter. This has resulted in a lack of clear direction and at times, failure to adhere to standardized processes and procedures for the conduct of public meetings. CBAC has now developed a charter which specifies the Committee's mission, goals, responsibilities and membership. CBAC is requesting Caltrans approve the proposed charter no later than December 1, 2012.

SIGNATURE/DATE	SIGNATURE/DATE	SIGNATURE/DATE	SIGNATURE/DATE	SIGNATURE/DATE
 11/19/12	 12/5/12	This area for other reviewers First Name, Last Name Review's Area	 12/19/12 RICHARD D. LAND Acting Chief Deputy Director	 88 404 MALCOLM DOUGHERTY Director
FIRST NAME, LAST NAME Division Chief, Area	FIRST NAME, LAST NAME Deputy Director, Area			



ISSUE MEMORANDUM

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Tel: (916) 653-2776, fax: (916) 654-2409, e-mail: Denix_Anbiah@dot.ca.gov

DATE: December 21, 2012

SUBJECT: California Bicycle Advisory Committee Charter

<input checked="" type="checkbox"/> Request for Approval	<input type="checkbox"/> For Information
<input type="checkbox"/> Request for Discussion	<input checked="" type="checkbox"/> For Signature

TRACKING NUMBER: 201213258

ISSUE:

The California Bicycle Advisory Committee (CBAC) has operated for 20 years without a formal charter. This has resulted in a lack of clear direction and at times, failure to adhere to standardized processes and procedures for the conduct of public meetings. CBAC has now developed a charter which specifies the Committee's mission, goals, responsibilities and membership. CBAC is requesting Caltrans approve the proposed charter no later than January 1, 2013.

SUBJECT: California Bicycle Advisory Committee Charter

BACKGROUND:

Former Caltrans Director James van Loben Sels authorized the Division of Highways to form the California Bicycle Advisory Committee (CBAC) in March 1992. Proposition 116, the Clean Air and Transportation Improvement Act (CATIA) was passed in 1990 and provided \$20 million to local agencies for bicycle commuter facilities. Approximately 112 applications for funding were received and reviewed. During the review of the applications, a number of issues/problems arose regarding the adopted guidelines and their application. As a result, CBAC was created to provide guidance in areas such as: 1) Developing and recommending a method for Caltrans to determine, as required by CATIA, if a separate bicycle path proposed for funding from CATIA will be used principally by bicycle commuters rather than for recreational purposes; 2) Advising Caltrans on bicycle program projects/issues such as standards and markings for bicycle sensitive traffic signal detectors, sign heights along bike paths, the use of thermoplastic coatings for delineating bike lanes, toll bridge and freeway bicycle access, and changes to the Highway Design Manual and departmental policies related to bicycle transportation.

Membership initially consisted of representatives from the following:

- Metropolitan Transportation Commission
- Los Angeles County Transportation Commission
- California Association of Bicycle Organizations
- San Francisco Bay Area Regional Bicycle Advisory Committee
- California Highway Patrol
- League of California Cities
- California State Association of Counties
- Automobile Club of Southern California
- California State Automobile Association

While membership has been expanded to include additional local agency representation, the “decision document” that created CBAC has not been modified or updated. There are currently no formal operating procedures in place.

CBAC convened a subcommittee in June 2011 to develop a charter that addressed the group’s mission, responsibilities, tasks, and membership criteria and requirements. There has been considerable discussion within CBAC regarding its composition. For example, the current membership consists of representatives from the auto clubs. However, those representatives rarely attend or provide input when requested. CBAC questioned whether representatives from the auto clubs should continue to be included.

CBAC continued to explore the needs for an expanded membership and greater representation of local agencies or coalitions. A proposed charter with new membership guidelines was adopted by CBAC at their August 2012 meeting. The membership includes 15-17 members that include

SUBJECT: California Bicycle Advisory Committee Charter

representatives from the following type of agencies (examples are included in parenthesis):

- Statewide bicycle advocacy organizations (California Bicycle Coalition, California Association of Bicycle Organizations)
- Statewide nonprofit organizations for which bicycling is not a primary part of their mission (Automobile Association of America, California State Association of Counties, League of California Cities, Safe Routes to School National Partnership)
- Regional or local nonprofit organizations for which bicycling is a primary part of their mission (Sonoma County Bicycle Coalition, Sacramento Bike Kitchen, Channel Island Bicycle Club, San Diego County Bicycle Coalition, Bay Area Bicycle Coalition)
- State government agencies, including at least the California Department of Public Health and the California Highway Patrol (California Department of Public Health, California Highway Patrol, California Air Resources Board, California Environmental Protection Agency)
- Regional or local government agencies, including at least one metropolitan planning organization, regional transportation planning agency, or council of governments, and on air quality management district or air pollution control district (Metropolitan Transportation Commission, Los Angeles County metropolitan Transportation Authority, Bay Area Rapid Transit District, Sacramento Metropolitan Air Quality Management District)
- The CBAC committee agrees to use the “Bagley-Keene Open Meeting Act 2004”, set forth in Government Code sections 11120-11132, which covers all state boards and commissions.
- Statewide nonprofit organization devoted to promoting the involvement of youth in public policy and civic institutions (California Center for Civic Participation)

DISCUSSION/PRO-CON ARGUMENTS:

Pro

A formal charter that defines the mission, goals, and values, responsibilities, and tasks as well as membership criteria and operating procedures is overdue. In the past, CBAC has failed to follow the Bagley Keene Open Meeting Guidelines or other similar procedures. There was disagreement among the membership and attendees as to what constituted a forum, who was eligible to vote, and terms of office. This document does contain a structure for the operation of CBAC.

Con

CBAC membership has devoted much time to developing a document that outlines their mission and goals as well as standard operating procedures. They have included criteria for selecting members to maximize regional representation on the committee. However, what they haven't included is language that precludes any one statewide organization from monopolizing CBAC. For example, membership will be limited to two members from statewide advocacy organizations. There is nothing that precludes the appointment of two members from the same

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organization. In addition, that statewide organization may have members appointed from various local chapters in other categories of membership such as in the regional or local organization category. There are also state, regional, and local government representatives who may also be members of the statewide organization. For example, a person may be appointed as a representative from the California Air Resources Board, but are also members of a local chapter of a statewide organization.

CBAC currently is a diverse organization with contrasting and often times conflicting opinions. Without additional language inserted into the proposed charter, diversity may be limited and only the views of a specific statewide organization will be represented.

In addition, the charter lacks guidelines for conduct at meetings. There have been several instances where this type of requirement would have been helpful.

EFFECT ON EXISTING LAW:

Not applicable.

ESTIMATED COST:

Not applicable.

RECOMMENDATION:

It is recommended that the Director approve the attached charter with suggested changes.

APPROVED:


MALCOLM DOUGHERTY, Director

12/27/12
Date

Attachments

- (1) CBAC Proposed Charter with Suggested Changes
- (2) CBAC Committee Charter in New Format

California Bicycle Advisory Committee
Subcommittee on CBAC membership

FINAL
California Bicycle Advisory Committee
Charter

Mission

The primary mission of the California Bicycle Advisory Committee (CBAC) is to ensure that the mission, policies, programs, and operations of the California Department of Transportation (Caltrans) meet the needs of those who travel by bicycle in California.

Goals and values

The CBAC shall support the goals and values of Caltrans to improve mobility and provide a safe and efficient transportation system across California by:

- Improving bicyclist safety and reducing bicyclist injuries and fatalities.
- Increasing bicyclist access and mode share in California consistent with Caltrans goals, values, and policies.
- Educating and enhancing the awareness of Caltrans, its workforce and the public about the needs of bicyclists.

Responsibilities and tasks

- Advise Caltrans on standards and policies, including their revision, related to bicycling.
- Serve as a forum to review and evaluate proposals of responsible agencies concerned with bicycling.
- Review proposed legislation related to bicycling.
- Review proposed actions by the California Traffic Control Devices Committee related to bicycling.
- Review Caltrans and local agency planning and design documents as they relate to bicycling.
- Provide input and share information regarding existing major deficiencies and needed upgrades that affect bicyclist access.
- Provide input to Caltrans on designs, concepts, standards, and manuals related to bicycle facilities and for consideration to incorporate into existing Caltrans standards or manuals.

The committee shall meet at least six times a year.

Membership criteria and requirements

Committee membership shall comprise organizations and agencies whose mission relates directly to or benefits from bicycling. Membership may fluctuate depending on the needs of Caltrans or the committee.

California Bicycle Advisory Committee
Subcommittee on CBAC membership

The following types of organizations and agencies shall be represented on the committee:

Type	No. of members	Examples
Statewide bicycle advocacy organizations	2	<ul style="list-style-type: none"> • California Bicycle Coalition • California Association of Bicycling Organizations
Statewide nonprofit organizations for which bicycling is not a primary part of their mission, including at least two organizations representing local government	3	<ul style="list-style-type: none"> • AAA • California State Association of Counties • League of California Cities • Safe Routes to School National Partnership
Regional or local nonprofit organizations for which bicycling is a primary part of their mission, including at least two regional or local bicycle advocacy organizations	3-4	<ul style="list-style-type: none"> • Sonoma County Bicycle Coalition • Sacramento Bike Kitchen • Channel Islands Bicycle Club • San Diego County Bicycle Coalition • Bay Area Bicycle Coalition
State government agencies, including at least the California Department of Public Health and the California Highway Patrol	3	<ul style="list-style-type: none"> • CDPH • CHP • CA Air Resources Board • CalEPA
Regional or local government agencies, including at least one metropolitan planning organization, regional transportation planning agency or council of governments, and one air quality management district or air pollution control district.	3-4	<ul style="list-style-type: none"> • Metropolitan Transportation Commission • Los Angeles County Metropolitan Transportation Authority • Bay Area Rapid Transit District • Sacramento Metropolitan AQMD
Statewide nonprofit organization devoted to promoting the involvement of youth in public policy and civic institutions	1	<ul style="list-style-type: none"> • California Center for Civic Participation

California Bicycle Advisory Committee
Subcommittee on CBAC membership

Caltrans shall use the following criteria for selecting members to maximize regional representation on the committee:

- At least three members from the region represented by the Southern California Association of Governments and San Diego Association of Governments, including at least one from San Diego County.
- At least two members from the San Francisco Bay Area.
- At least one member each from the Central Valley north and south of Sacramento, excluding the Sacramento metropolitan area.
- At least two members from rural areas.
- No statewide organization shall be represented by more than 50 percent of the membership regardless of type of agency the person is representing.

Organizations and agencies shall express their interest in committee membership in writing to Caltrans. The committee shall assist Caltrans with soliciting potential member organizations and agencies as requested by Caltrans.

Caltrans shall appoint member organizations and agencies to the committee based on their working knowledge of bicycling issues and transportation policy, as well as their basic knowledge of Caltrans policies, programs and operations.

Each member organization and agency shall appoint one representative to serve on the committee within three months of the adoption of this charter or fill a vacancy within three months, whichever occurs first. Caltrans shall revisit membership by any organization or agency that fails to make such an appointment or fill a vacancy or whose representative fails to attend three consecutive committee meetings.

Terms of office

Statewide organizations and state agencies shall serve at the pleasure of Caltrans. They have no fixed term.

Regional or local organizations and agencies shall serve fixed terms of three years and may be re-appointed indefinitely.

Voting and quorum

Each member organization or agency is entitled to one vote to be cast by its representative at a committee meeting. Attendance and voting by a representative may be by telephone.

A vote by a majority of the quorum is required for all committee decisions. A quorum shall consist of a majority of representatives, including those attending remotely, except when one or more vacancies prevent this majority. In such a case, a majority of the representatives in office, including those attending remotely, shall constitute a quorum. A representative's early departure from a meeting will not prevent a quorum from continuing to do business.

California Bicycle Advisory Committee
Subcommittee on CBAC membership

In the event that a representative is unable to attend a meeting, he or she may designate an alternate from the member organization or agency to participate at the meeting by providing notice to the chairperson prior to the meeting. The alternate shall be counted toward meeting the quorum requirement and shall have the same voting rights as the representative.

Officers

The committee shall elect a chairperson and vice chairperson to serve for two consecutive calendar years. The chairperson shall moderate meetings, except that the vice chairperson may preside in the chairperson's absence. If both are absent, the committee shall choose a temporary chairperson at the meeting.

Caltrans staff shall serve as committee secretary, who shall:

- Maintain committee files
- Publish an agenda prior to each meeting
- Keep and publish minutes of the meeting
- Distribute pertinent information of interest to the committee
- Perform other duties as designated by the chairperson or a vote of the committee

Non-voting membership

Representatives of other organizations, agencies, constituencies and individuals with an interest in committee business may attend committee meetings. These representatives shall be invited to participate at the discretion of the chairperson.

Charter amendments

This charter may be amended or repealed in whole or in part by a two-thirds vote of the representatives at a meeting where a quorum is present.

Conduct

The CBAC is a forum for sharing ideas, research, proposals, policies, standards, guidelines, including other issues related to bicycle transportation, without fear of reprisal, ridicule, or antagonism. Members and attendees shall conduct themselves in a courteous, professional manner at all times and adhere to the policies and directives of Caltrans while conducting these committee meetings.



California Bicycle Advisory Committee

Background	<ul style="list-style-type: none"> The California Department of Transportation (Caltrans) formed the California Bicycle Advisory Committee in 1992. The Committee's purpose was to assist Caltrans with several aspects of the bicycle transportation program, including: developing a method for evaluating bike path projects submitted for funding from the Clean Air and Transportation Improvement Act (CATIA) and assisting with technical and policy issues that affect bicycle transportation.
Purpose	<ul style="list-style-type: none"> The California Bicycle Advisory Committee (CBAC) supports the goals and values of Caltrans to improve mobility and provide a safe and efficient transportation system across California The Department of Transportation (Caltrans) is served by CBAC's affirmation of Caltrans' commitment to bicycle transportation's mission to improve mobility, as well as applicable Program Level Action Plan Goals and departmental policies.
Desired Goals	<p>CBAC's goals and objectives:</p> <ul style="list-style-type: none"> Improve bicyclist safety on state highway facilities Reduce bicyclist injuries and fatalities on State highway facilities Increase bicyclist mode share on State highway facilities consistent with Caltrans policies Educate and enhance the awareness of Caltrans and the public about the needs of bicyclists using State highway facilities
Members	<ul style="list-style-type: none"> California Bicycle Coalition California Association of Bicycling Organizations AAA League of California Cities Safe Routes to School National Partnership Sonoma County Bicycle Coalition Sacramento Bike Kitchen Channel Islands Bicycle Club San Diego County Bicycle Coalition Bay Area Bicycle Coalition CDPH CHP CA Air Resources Board CalEPA Metropolitan Transportation Commission Los Angeles County Metropolitan Transportation Authority Bay Area Rapid Transit District

	<ul style="list-style-type: none"> • Sacramento Metropolitan AQMD • California Center for Civic Participation
Frequency of Meetings	<ul style="list-style-type: none"> • The CBAC Charter is required to meet at least six times a year in Sacramento.
Roles and Responsibilities	<ul style="list-style-type: none"> • Review new policies and policy revisions related to bicycling • Review proposed legislation related to bicycling • Review proposed CTCDC (California Traffic Control Devices Committee) actions related to bicycling • Review planning documents • Provide input and share information regarding existing major deficiencies and needed upgrades that affect bicyclist access to state highway facilities
Reporting Structure Input to Board	<ul style="list-style-type: none"> • AAA • California Association of Bicycle Organizations • California Bicycle Coalition • CDPH • CHP • California State Association of Counties • Council of governments • League of California Cities • Metropolitan Transportation Agency • Metropolitan Transportation Commission • Youth (secondary or post-secondary) • Air Quality • Local bicycle advocacy organization • The Director will approve any amendments or update drafts of the CBAC Charter.
Decision Process	<ul style="list-style-type: none"> • A vote by majority of the quorum is required for all committee decisions
Amendment	<ul style="list-style-type: none"> • This charter may be amended or repealed in whole or in part by a two-thirds vote of the representatives at a meeting where a quorum is present.